

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

Michael Smith,

Civil No. 12cv134 (JNE/SER)

Plaintiff,

v.

NOTICE OF
SETTLEMENT CONFERENCE

Monarch Recovery Management, Inc.,

Defendant.

A settlement conference will be held on **May 25, 2012, at 9:00 a.m. in Courtroom 3C, Warren E. Burger Federal Building and U.S. Courthouse, 316 North Robert Street, St. Paul, Minnesota** before the undersigned United States Magistrate Judge.

Counsel who will actually try the case and each party, armed with full settlement discretion, shall be present. If individuals are parties to this case, they shall be present. If a corporation or other collective entity is a party, a duly authorized officer or managing agent of that party shall be present. This means that each party must attend through a person who has the power to change that party's settlement posture during the course of the conference. If the party representative has a limit, or "cap" on his or her authority, this requirement is not satisfied. If an insurance company is involved, the responsible agent must be present. Appearances by telephone are not permitted except in extraordinary circumstances, which must be brought to the attention of the Court and all parties no later than one week prior to the settlement conference by first contacting the Court by telephone to receive permission to electronically file a letter setting forth a full explanation of the circumstances. Any responses to such a letter shall be electronically filed no later than one business day following the filing of the letter request.

In order to encourage the parties to address the issue of settlement on their own, counsel must confer in person at least ten (10) days prior to the date of the settlement conference, to engage in a full and frank discussion of settlement. If the case does not settle, each attorney shall submit to the undersigned **on or before May 18, 2012** a confidential letter (not to exceed ten (10) single spaced pages - no exhibits shall be submitted) setting forth the parties' respective settlement positions before the meeting, their respective positions following the meeting and a reasoned, itemized analysis justifying their client's last stated settlement position. The Court will request exhibits if

the summary of settlement status does not suffice. **This letter shall be submitted to the undersigned by e-mail to the following address: *rau_chambers@mnd.uscourts.gov*.**

Failure of any lawyer to submit this letter will result in the settlement conference being rescheduled and the imposition of an appropriate sanction on the attorney whose failure caused the conference to be postponed. Additional sanctions may be imposed for failure to comply with any of the other foregoing instructions.

Settlement Conferences are frequently scheduled at least thirty days in advance and are generally scheduled for at least a whole day. Accordingly, unless the parties reach settlement prior to the scheduled Settlement Conference, requests for continuances are discouraged and are not likely to be granted unless extraordinary good cause exists.

Dated: April 24, 2012

s/Steven E. Rau

Steven E. Rau

U.S. Magistrate Judge